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United States of America,

Plaintiff

v.

Ian Alexander Pincombe,

Defendant

2:14-cr-178-JAD-GWF

Order for Psychiatric or Psychological Examination

Defendant Ian Alexander Pincombe is charged in a criminal indictment with coercion and enticement of a minor, possession of child pornography, and receipt or distribution of child pornography. Pincombe's statements, behavior, and demeanor during the past two hearings and in the pro se filings that he has made since given the right to represent himself have given the court reasonable cause to believe that defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.¹ The court therefore orders a mental competency evaluation under 18 U.S.C. §§ 4241.

IT IS ORDERED that:

1. In accordance with 18 U.S.C. §§ 4241 and 4247, the United States Marshal's Service must forthwith transport defendant Ian Alexander Pincombe to a suitable Bureau of Prisons ("BOP") facility that conducts psychological evaluations closest to the court, for psychiatric or psychological evaluation to determine whether defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

2. Defendant must be held in a BOP facility for a reasonable period of time, not to exceed

¹ Additional factual findings and conclusions related to this order were placed on the record at today's hearing and are incorporated herein.

1 forty-five days, unless extended by further order of the court upon a showing of good cause by the
2 director of the facility that the additional time is necessary to observe and evaluate him, or by
3 appropriate motion, for a period of up to thirty additional days. 18 U.S.C. § 4247(b).

4 3. The examination conducted on this order must be conducted by one or more licensed or
5 certified psychiatrists or clinical psychologists. 18 U.S.C. § 4247(b).

6 4. A psychiatric or psychological report must be prepared by the examiner designated to
7 conduct the psychiatric or psychological examination. The person designated to conduct the
8 psychiatric or psychological examination must file the report, under seal, with the court and provide
9 copies to Christina Silva, Esq., Assistant United States Attorney, and to Attorney Dan Albregts, Esq.,
10 counsel for defendant.

11 5. The report must include:

- 12 a. Defendant's history and present symptoms;
- 13 b. A description of the psychiatric, psychological or medical tests that were
14 employed and their results;
- 15 c. The examiner's findings; and
- 16 d. The examiner's opinions concerning whether defendant is suffering from a
17 mental disease or defect rendering him mentally incompetent to the extent that he is unable to
18 understand the nature and consequences of the proceedings against him, or to assist properly in his
19 defense.

20 The court finds that the period of time required by the above-described psychiatric or
21 psychological examination of defendant, and the Court's determination of defendant's competency to
22 stand trial and his sanity at the time of the offenses charged is excludable time under the United States
23 Constitution, the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A), and Rule 5.1 of the Federal Rules of
24 Criminal Procedure.

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June 19, 2017 *AD*

1 Additionally, the Court sets a status hearing on this matter for ~~June 26, 2017~~, at 9:30 a.m., in
2 Las Vegas Courtroom 6D.

3 IT IS SO ORDERED.

4 DATED: May 15, 2017. *AD*

5 *He*

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7 JENNIFER DORSEY
8 United States District Judge
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